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Jennie Ching

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EXAMINER

NGUYEN, THANH T

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/523,832

Applicant(s)

CHING ET AL.

Examiner

Tammy T Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



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## Detailed Office Action

1. This action is responsive to the amendment filed on August 24, 2004.
2. Claims 1-20 are pending.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasansky et al., (hereinafter Rasansky) U.S. Patent No. 5,960,406 in view of Zigmond et al., (hereinafter Zigmond) U.S. Patent No. 6,647,417.

5. As to claim 1, Zigmond teaches the invention as claimed, including a method for achieving efficient file transfer and traffic management in a digital media distributor system, the method comprising:

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utilizing the IFS as an intermediary between the central site and at least one local traffic system, the at least one local traffic system providing schedule initiation for announcement times, wherein the IFS supports file transfer in both directions between the central site and the at least one local traffic system (Fig.1D, IFS (Microsoft Internet Information server between center site 50 and local traffic 90)).

But, Rasansky does not teach a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisement insertion together with delivery of broadcast program feeds. However, Zigmond teach a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisement insertion together with delivery of broadcast program feeds (Fig.7, Central site (Satellite service provider), ad source and send broadcast 132). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Rasansky and Zigmond to have a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisement insertion together with delivery of broadcast program feeds because it would have an utilization and convenient system in order to provide a system for delivering and displaying advertisements wherein the response of the viewers may be accurately measured.

6. As to claim 2, Rasansky teaches the invention as claimed, wherein utilizing further comprises receiving inbound transfers of a playlist file from the at least one local traffic system (col.17, lines 5-15).

7. As to claim 3, Rasansky teaches the invention as claimed, wherein utilizing further

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comprises receiving inbound transfers of a dub list file from the at least one local traffic system (col.15, lines 1-19).

8. As to claim 4, Rasansky teaches the invention as claimed, wherein utilizing further comprises receiving inbound transfers of a purge list file from the at least one local traffic system (col.15, lines 1-19).

9. As to claim 5, Rasansky teaches the invention as claimed, wherein utilizing further comprises performing outbound transfers of a spot status summary file to the at least one local traffic system (col.13, lines 17-35).

10. As to claim 6, Rasansky teaches the invention as claimed, wherein utilizing further comprises performing outbound transfers of a consolidated As-Run log file to the at least one local traffic system (col.9 line 59 to col.10, line 5).

11. As to claim 7, Rasansky teaches the invention as claimed, wherein utilizing a plurality of agents to perform automated processing of files transferred to the IFS and to perform scheduled tasks (col.5, lines 9-40, and col.10, lines 26-48).

12. As to claim 8, Rasansky teaches the invention as claimed, including a system for achieving efficient file transfer and traffic management in a digital media distributor system, the system comprising:

a central site server (Abstract, Fig.1D, central site server 50)

at least one local traffic system, (col.6, lines 3-45); and

an Internet file server (IFS) coupled between the central site server and the at least one local traffic system, the IFS acting as an intermediary between the central site and the at least one

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local traffic system, wherein the IFS supports file transfer in both directions between the central site and the at least one local traffic system (Fig 1D, 200, col.10, lines 26-48).

Rasansky does not teach the digital media distributor system giving broadcast program affiliated the ability to provide local advertisements insertion together with delivery of broadcast program feeds and at least one local traffic system providing schedule initiation for local advertisement and announcement times. However, Zigmond teaches the digital media distributor system giving broadcast program affiliated the ability to provide local advertisements and announcement insertion together with delivery of broadcast program feeds and at least one local traffic system providing schedule initiation for local advertisement and announcement times (Fig.7, Central site (Satellite service provider), ad source and send broadcast 132). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Rasansky and Zigmond to have a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisement insertion together with delivery of broadcast program feeds because it would have an utilization and convenient system in order to provide a system for delivering and displaying advertisements wherein the response of the viewers may be accurately measured.

13. As to claim 9, Rasansky teaches the invention as claimed, wherein the IFS receives inbound transfers of a playlist file from the at least one local traffic system (col.15, lines 1-19).

14. As to claim 10, Rasansky teaches the invention as claimed, wherein the IFS receives inbound transfers of a dub list file from the at least one local traffic system(col.15, lines 1-19).

15. As to claim 11, Rasansky teaches the invention as claimed wherein the IFS receives inbound transfers of a purge list file from the at least one local traffic system(col.15, lines 1-19).

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16. As to claim 12, Rasansky teaches the invention as claimed, wherein the IFS performs outbound transfers of a spot status summary file to the at least one local traffic system (col.13, lines 17-35).

17. As to claim 13, Rasansky teaches the invention as claimed, wherein the IFS performs outbound transfers of a consolidated As-Run log file to the at least one local traffic system (col.9, line 59 to col.10, line 5).

18. As to claim 14, Rasansky teaches the invention as claimed, wherein the IFS further utilizes a plurality of agents to perform automated processing of files transferred to the IFS and to perform scheduled tasks (col.5, lines 9-40, and col.10, lines 26-48).

19. As to claim 15, Rasansky teaches the invention as claimed, including A method for achieving efficient file transfer and traffic management in a digital media distributor (DMD) system, the method comprising:

utilizing an intermediary for file transfers between a central site and a local traffic system, (Fig.1D, 200, col.10,lines 26-48, and col.4, lines 20-30); and

Exchange files according to a chosen Internet transfer protocol between the local traffic system and the intermediary.

Rasansky does not teach the at least one local traffic system providing schedule initiation for local advertisement, for a DMD, the DMD giving broadcast program affiliates the ability to provide local advertisements and announcements insertion together with delivery of broadcast program feeds. However, Zigmond teaches the at least one local traffic system providing schedule initiation for local advertisement, for a DMD, the DMD giving broadcast program affiliates the ability to provide local advertisements insertion together with delivery of broadcast

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program feeds (Fig.7, Central site (Satellite service provider), ad source and send broadcast 132).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Rasansky and Zigmond to have a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisement insertion together with delivery of broadcast program feeds because it would have an utilization and convenient system in order to provide a system for delivering and displaying advertisements wherein the response of the viewers may be accurately measured.

20. As to claim 16, Rasansky teaches the invention as claimed, wherein utilizing further comprises utilizing an Internet server as the intermediary.

21. As to claim 18, teaches the invention as claimed, wherein exchanging files further comprises exchanging files according to a hypertext transfer protocol (HTTP) (col.7, lines 3-15).

22. As to claim 19, Rasansky teaches the invention as claimed, utilizing agents in the IFS to automatically import and transfer list files (col.10, lines 26-58).

23. As to claim 20, Rasansky teaches the invention as claimed, utilizing agents in the IFS to automatically generate and export summary files (col.5, line 52 to col.6, line 3, abstract, col.9, lines 7-26).

24. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasansky et al., (hereinafter Rasansky) U.S. Patent No. 5,960,406 and Zigmond et al., (hereinafter Zigmondin) U.S. Patent No. 6,698,020 view of Tominaga et al., (hereinafter Tominaga) U.S. Patent No. 6,336,115.



25. As to claim 15, Rasansky and Zigmond do not explicitly teach exchanging files according to a chosen Internet transfer protocol between the local traffic system and the intermediary. However, Tominaga teaches exchanging files according to a chosen Internet transfer protocol between the local traffic system and the intermediary (col.1, lines 55-67). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Rasansky, Zigmond and Tominaga to have an exchange files in a communication system because it would have an efficient system that can provide two-way flow of values or files in a communication.

26. As to claim 17, Rasansky and Zigmond do not explicitly teach an exchanging files according to a file transfer protocol (FTP). However, Tominaga teaches an exchanging files according to a file transfer protocol (FTP). (col.1, lines 55-67). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Rasansky, Zigmond and Tominaga to have a exchanging files according to a file transfer protocol (FTP) because it would have an utilization and convenient communications system that has file transfer protocol as a fast, application-level protocol widely used for copying files to and from remote computer systems on a network. Also, allows users to use FTP to listing files and directories.

***Response to Arguments***

27. Applicant's arguments filed on August 14, 2004 have been fully considered, however they are not persuasive because of the following reasons:

28. Applicants argue that Rasansky does not teach or suggest *the provision of an Internet file Server intermediary for file transfers between a central site server and at least one local traffic system in a digital media distributor system*. In response to Applicant's argument, the Patent Office maintain the rejection because Rasansky discloses the provision of an Internet file Server intermediary for file transfers between a central site server and at least one local traffic system in a digital media distributor system as shown in Fig.1D, Internet file server 200 intermediary for file transfer between central site server 50 and at least one local traffic 90. Rasansky clearly shows the provision of an Internet file Server intermediary for file transfers between a central site server and at least one local traffic system in a digital media distributor system.

29. Therefore, the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims 1, 8 and 15. Claims 2-7, 9-14, and 16-20 are also rejected at least by the virtue of their dependency on independent claims and by other reasons set forth in the previous office action.

30. Accordingly, claims 1-20 are respectfully rejected.

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***Conclusion***

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(571) 272-3929**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, may be reached at **(571) 272-3905**.

*TTN*

January 14, 2005

MARC D. THOMPSON  
**MARC THOMPSON**  
PRIMARY EXAMINER  
**571 272 3932**